

22. (AMENDED) A kit comprising different household products for effecting aromatherapy to an ambient environment, the kit containing at least three separate liquid household products, each household product comprising a liquid composition comprising at least 0.2% by total weight of an antibacterial essential oil and a separate ingredient that effects a household function selected from the group consisting of surface cleaning, starching, polishing, [or] and finishing, the essential oil in each household product within the kit comprising at least one [identical] essential oil that is the same in each household product.
23. The kit of claim 22 wherein the at least one identical essential oil comprises Ylang Ylang.
24. The kit of claim 22 wherein the at least one identical essential oil comprises citrus mint.
25. The kit of claim 22 wherein the at least one identical essential oil comprises petuli oil.

**Please add the following new claims:**

26. A method for providing aromatherapy to persons within an ambient environment comprising directly applying a liquid composition to an inanimate surface to effect a household function selected from the group consisting of surface cleaning, surface shining, degreasing, cleansing, foreign matter removal, moisturizing, dish soaps, and ironing liquids, the liquid composition comprising only two liquid solvents and an aromatherapeutic concentration of an aromatherapeutic essential oil, completing the household function, allowing the aromatherapeutic essential oil to remain within the ambient environment to effect aromatherapy on persons or animals within the ambient environment.

**REMARKS CONCERNING THE AMENDMENTS**

The above amendments were made in an effort to more clearly define the present invention and to respond to issues raised in the Office Action. Antecedent basis for the above amendments may be found generally in the specification and, for example, as follows:

**AMENDMENT AND RESPONSE**

Serial Number: 09/659,502

Filing Date: September 11, 2000

Title: AROMATHERAPEUTIC ENVIRONMENTAL SYSTEM

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Page 7

Dkt: 497.001US1

**RESPONSE TO THE REJECTIONS****Rejections Under 35 U.S.C. 112, First Paragraph**

Accompanying this Amendment are the following articles showing common knowledge in the art of "petuli oil" which has been questioned by the rejection under this issue. The first publication is at-Expatmum.com home page, showing petuli oil to be an aromatherapeutic essential oil that can be used in massages (Updated September 2001). The second publication is NY ROCK "World beat" published on the Internet in August of 1998, the section on Only Bonehead 101 indicating the use of petuli aroma by rock bands. The third document is one page of a search result on Google.com showing numerous references to petuli oil or materials (candles, waxes, etc.) with petuli. It is clear that one skilled in the art should be aware of the commercial availability of petuli oil. More authoritative literature references can be provided if needed.

**Rejections Under 35 U.S.C. 112, Second Paragraph**

Each of the objected to terms will be addressed in the discussion below.

a) Claims 1 and 22 "ambient environment."

That term is specifically defined in the specification on page 21, lines 13-18. That definition is clear, concise and sufficiently precise to enable one of ordinary skill in the art to understand the limits of the claims. As that term has been clearly defined in the specification and that definition is clear to one skilled in the art, the rejection is in error and must be withdrawn. Application would be willing to insert a definition based on the disclosure into the claims, although that would render the claim more wordy.

b) Claims 1 and 21 "Household function."

That term finds definition on page 21, lines 20-28, as "household purpose," but has been defined in the claim to assist understanding. The rejection has been removed by this Amendment.

## c) Claim 1 "aromatherapeutic concentration."

This term reflects a specific type of patent language that is generally acceptable in the Patent Literature. The term means a concentration that provides an aromatherapeutic effect. Applicant has preserved that limitation in new claim 26, but has amended claim 1 based on the disclosure of page 22, lines 1-4 where the range of 0.1 to 20% is disclosed.

## d) Claim 1 "completing the household function."

The amendment to claim 1 wherein the household function has been specifically defined overcomes this issue.

## e) Claims 1, 21 and 22, the phrases "allowing the aromatherapeutic essential oil to remain within the ambient environment," and "for effecting aromatherapy to an ambient environment."

The terminology of allowing the aromatherapeutic essential oil to remain within the ambient environment is clear upon consideration of the definition of ambient environment within the specification. As the claim recites "the" essential oil, and the only reference to essential oil is that applied to a surface during a household function, it must be the applied essential oil that remains in the ambient environment (e.g., the room). The claim cannot be interpreted as allowing the oil in a bottle to remain in the ambient environment, as that could not be "the" essential oil.

## f) Claim 3 "composite cleaning."

The term composite is well understood in the art, particularly in the claim context of a Markush group. Composite materials comprise mixed materials such as fiber reinforced polymers (fiberglass, graphite reinforced polymers), particle-filled polymers (counter-top materials, artificial granite, etc.) and mixtures of distinct classes of materials. Composites are well known to those skilled in the material art.

## g) Claims 9-13 the duplication of "sandalwood oil."

The second occurrence of "sandalwood oil" has been removed from all claims.

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Page 9

Dkt: 497.001US1

h) Claims 9-13 "citrus/mint."

The slash ("/") is conventionally used to show "and" as it was used in this context. The term "combinations" reflects a mixture of the oils. The claims have been amended to recite in full language "citrus oil and mint oil combinations" which overcomes the rejection.

i) Claim 22 "the essential oil in each household product within the kit comprising at least one identical essential oil."

The term was thought to be clear in its original form, meaning that in a kit with at least two different products, the same aromatherapeutic essential oil is present in each of the household products. The language has been amended to more clearly reflect that meaning.

j) Claim 25, petuli oil."

As shown above, the essential oil, petuli oil, is known in the art and is not ambiguous.

k) Claims 3, 21 and 22 for containing an improper Markush group.

The error in claims 3, 21 and 22 have been amended.

All issues under 35 U.S.C. 112, first paragraph and second paragraph have been overcome by the above amendment, arguments or comments.

**Rejections Under 35 U.S.C. 102(b) and 35 U.S.C. 102(e)**

**Claims 1-21 Have Been Rejected As Anticipated by Cheung et al. (U.S. Pat. No. 6,177,388)**

Claim 1 recites:

A method for providing aromatherapy to persons or animals within an ambient environment comprising applying a liquid composition to an inanimate surface to effect a household function selected from the group consisting of surface cleaning, surface shining, degreasing, cleansing, foreign matter removal, moisturizing, dish soaps, and ironing liquids, the liquid composition comprising

an aromatherapeutic concentration of an aromatherapeutic essential oil of 0.1 to 20% by weight of the liquid composition, completing the household function, allowing the aromatherapeutic essential oil to remain within the ambient environment to effect aromatherapy on persons or animals within the ambient environment, solvents in said liquid composition consisting essentially of liquids selected from the group consisting of water and alcohols.

This claim has been amended to exclude the possibility of the unusual combination of solvents that Cheung combines to create the blooming effect that is essential to the practice of his invention. The terminology in the claims of the “solvents in said liquid composition consisting essentially of liquids selected from the group consisting of water and alcohols” excludes the essentially tertiary solvent system of Cheung which requires: the alkyl diphenyl solvent constituent, at least one organic alcohol constituent, and at least one glycol constituent. All three of these solvents are essential for the blooming effect required by Cheung. As the reference requires all three ingredients and the claims exclude that combination of ingredients, the rejection under 35 USC 102(b) and (e) is no longer tenable. It is unobvious to remove the essential feature of Cheung without any expected benefit, anticipating that strategic approach.

Claims 1-21 Have Been Rejected As Anticipated by Ferguson et al. (U.S. Pat. No. 6,045,813)

Ferguson et al. shows an encapsulated medium that is applied with active cleaning ingredients or other functional ingredients in a friable microcapsule. A liquid with the microcapsules dispersed therein are applied to a surface, and the capsules must be broken to cause contact of the active ingredients with the surface. There is no direct application of the liquid composition to the surface. Applicants would have likewise been willing to accept language consistent with “non-encapsulated” (for which conception is shown in the specification and the examples, where no capsules are used), but would use that term only upon pre-agreement by the Examiner that there is no issue of lack of antecedent basis under 35 USC 112, first or second paragraphs in the use of that language. The present amendment of “directly” applying

the liquid is sufficient to exclude the compositions of Ferguson et al. This reference is not anticipatory of the subject matter of the claims.

### **Rejections Under 35 U.S.C. 103(a)**

Claims 1-25 have been rejected under 35 USC 103(a) as unpatentable over Cheung et al. in view of Bonett in further view of Orson and Bajgrowicz. This rejection is respectfully traversed. The rejection fails to show the actual limitations of the claims to be obvious, but rather attacks the individual contents of the compositions and the general field of the invention. The references do not even teach what they must teach to show the limitations of the invention.

For example, Bonett teaches a single composition that may be separated into two components, and then the components mixed to form a single active composition. This is not a kit with distinct and "separate" active solutions that are complete in themselves. The specific language of the claims is "...at least three separate liquid household products..." Even a single ultimate composition split into two distinct subcomponents that must be later blended cannot approach a teaching of that aspect of the invention.

The teaching of mint oil and citrus oil as a fragrance by Orson is admitted to be art that such fragrances exist (as is already done in the specification), but the showing is still of a single container, with a single composition, which might have numerous uses. That does not meet the limitations of the kit claims.

Bajgrowicz also teaches no more than that different products may be made from essential oils. There is no disclosure that distinct composition having distinct household functions may be separately packaged within a kit so that, when used in conjunction, a single aromatherapy effect may be produced.

### **CONCLUSION**

For the above reasons, the rejections of record are in error and should be withdrawn. Applicants would appreciate a telephone call from the examiner if any personal conference would be useful in addressing any remaining issues in this Application. The Examiner is invited to telephone Applicant's attorney at (952)832.9090 to facilitate prosecution of this application.

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Page 12

Dkt: 497.001US1

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to BOX AMENDMENT, Assistant Commissioner of Patents, Washington, D.C. 20231 on January 23, 2002.

Name

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